

REMARKS

The Applicant is filing this Amendment and Response in response to an Office Action dated August 16, 2010. At the time of the Office Action, claims 1, 3-15, 17, 18, 20, 21, and 27-33 were pending. In response to the Office Action, the Applicant has amended claims 7, 29, and 30, and added new claims 35-38 to clarify features and expedite prosecution. No new matter has been added by way of these amendments. Upon entry of the amendments, claims 1, 3-15, 17, 18, 20, 21, 27-33, and 35-38 will be pending. Based on the foregoing amendments and the following remarks, the Applicant respectfully asserts that all pending claims are in condition for allowance.

In the Office Action, the Examiner rejected claims 29 and 30 under the second paragraph of 35 U.S.C. § 112 as failing to point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner rejected claims 29-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2008/0189742 by Ellis, et al. (hereinafter "Ellis"). The Examiner also rejected claim 33 under 35 U.S.C. § 102(e) as being anticipated by Ellis or unpatentable over Ellis in view of U.S. Patent Application Publication No. 2002/0056118 by Hunter, et al. (hereinafter "Hunter"). Further, the Examiner rejected claims 1, 3, 5, 7, 11-13, 17, 27, and 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,202,211 to Williams, Jr., et al. (hereinafter "Williams, Jr.") and U.S. Patent Application Publication No. 2003/0048757 by Accarie, et al. (hereinafter "Accarie") in view of Ellis. The Examiner rejected claims 4, 6, 8, 14, 15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr., Accarie, Ellis, and further in view of Hunter. Lastly, the Examiner rejected claims 9, 10, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. in view of Accarie in view of Ellis in view of U.S. Patent Application Publication No. 2004/0019908 by Williams, et al. (hereinafter "Williams"). These rejections are discussed in detail below.

New Claims 35-38

Support for new claims 35-38 can be found in the specification, for example, in paragraphs [0002]-[0003], [0018], [0022]-[0023], [0045], and original dependent claim 7. The Applicant respectfully asserts that new claims 35-38 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 29 and 30 because of antecedent basis issues. The Applicant thanks the Examiner for pointing out these antecedent basis issues. The Applicant has amended claims 29 and 30, and the instant rejection is now moot. Therefore, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is respectfully requested.

Claim Rejection under 35 U.S.C. § 102(e)

With regard to the rejection of claims 29-32 under 35 U.S.C. § 102(e), the Examiner specifically stated that:

As to claim 29, Ellis discloses an audio/video (AV) component networking system (FIG.2a) . . . wherein the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device (FIG.21; Para 102-103; Para 118; Para 136-138; certain format is established for the remote access device such as for video or audio play or internet browsing).

As to claims 30-32, Ellis discloses an audio/video (A/V) component networking system (FIG.2a) . . . wherein the sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component (Para 102; filter A/V program data based on the

presentation being a screen monitor for playing television program or an audio device for playing music).

Office Action, pp. 3-4. The Applicant respectfully traverses this rejection.

The Applicant notes that during patent examination, the pending claims must be given an interpretation that is *reasonable and consistent* with the specification. *See In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); M.P.E.P. §§ 608.01(o) and 2111. The Federal Circuit has held that the “[t]he descriptive part of the specification aids in ascertaining the scope and meaning of the claims inasmuch as the words of the claims must be based on the description. The specification is, thus, the primary basis for construing the claims.” *Phillips v. AWH Corp.*, 75 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 2005) (quoting *Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985)). Thus, “cases recognize that the specification may reveal a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess. In such cases, the inventor’s lexicography governs.” *Id.* at 1329.

Further, anticipation under 35 U.S.C. § 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under 35 U.S.C. § 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. duPont de Nemours & Co.*, 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984). The prior art reference also must show the *identical invention “in as complete detail as contained in the ... claim”* to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, the Applicants

need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Claims 29-33 are not anticipated by Ellis.

Independent claim 29 recites, *inter alia*, that “the A/V program data displayed in a menu on the first presentation device is filtered based on a suitability of a format of the A/V program data for the presentation device.” Similarly, independent claim 30 recites, *inter alia*, that “the sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component.”

As stated in the present specification, the “various types of A/V program data 32 available from a particular source component 16” are identified. Specification, paras. [0034] and [0039]. The types or formats of the A/V program data may include: still images such as scanned photograph files or digital image files; video content such as movies, a television broadcast, or streaming video content; and/or audio content such as an audio broadcast or a digital sound file.” *Id.* at para. [0019]. Once the format of the data is identified, the available A/V program data is filtered “based on the presentation device data 90 such that only A/V program data 32 presentable or displayable on the corresponding presentation device(s) 14 is presented to the user.” *Id.* at paras. [0072]; [0074] (disclosing “sink component 12 may be configured to filter the aggregated A/V program data listing based on a format of the A/V program data”). For example, filtering the A/V program data may prevent a user from being presented the choice to “display” a still picture on a stereo system.

In contrast, Ellis does not disclose that that “the A/V program data displayed in a menu on the first presentation device is filtered based on a suitability of a format of the A/V program data for the presentation device,” as recited by claim 29. More specifically, Ellis is directed to accessing a television content provider through a communications link.

Ellis, para. [0033]. An interactive television program guide provides program listings for television programs, such as times, channels, titles, etc. and allows selection of particular programs. *Id.* at para. [0034]. However, while the Ellis program guide information may be provided in one or more formats, Ellis does not disclose that the program guide information (*i.e.*, program listing) is determined in any way based on the format of the underlying program data or on the type of presentation device. *See* Ellis, paras. [0003], [0019], and [0034]. In other words, Ellis provides the same program listing content via one or more formats independent of the format of the underlying program data or the type of presentation device, whereas claims 29 and 30 provide program listings having content that is dependent upon and varies with the format of the underlying A/V program data and the suitability of the format of that data relative to the presentation device. Thus, in the present claims, the format of the A/V program data itself and the type of presentation device serves as a basis for determining which content is suitable for, and is thus presented for selection in a menu displayed on, a particular presentation device.

Again, the Ellis program listings may be presented to a user in various forms, including visually in the form of “a table, listing grid, or . . . provided audibly for the user by using, for example, a speaker.” *See* Ellis, para. [0121]. However, Ellis clearly does not disclose using the format of the underlying A/V program data to determine which program data is compatible with a particular presentation device, and therefore is, in turn, included in the content of the menu listing for that particular display device from which menu it can be selected for presentation to a viewer/listener. *See id.* Similarly, Ellis does not disclose filtering the content of its program guide information (or the content of a menu listing) based on the type of presentation device on which a selected program is to be presented to a user.

Accordingly, Ellis fails to disclose “the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device”, as recited claim 29, or “a sink component is

adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component,” as recited in claim 30. In view of the foregoing, Ellis cannot anticipate independent claims 29 and 30, or dependent claims 31-33. Further, as discussed below, none of the other references cited by the Examiner teach a menu that is filtered to display only the type of content that can be displayed by a particular device. Thus, independent claims 29 and 30 are allowable over the references cited.

For at least the reasons discussed above, Ellis cannot anticipate independent claims 29 and 30, or claims 31-33 depending from claim 30. Accordingly, the Applicant respectfully requests that the Examiner withdraw the instant rejection under 35 U.S.C. § 102(e), and allow the claims to issue.

Claim Rejection under 35 U.S.C. §§ 102(e), or in the alternative, 35 U.S.C. § 103(a)

The Applicant respectfully traverses the rejections of dependent claim 33 under 35 U.S.C. §§ 102(e) and 103(a) as being anticipated by Ellis or unpatentable over Ellis in view of Hunter. Initially, as discussed above, Ellis cannot anticipate claim 33 for at least the reason that Ellis does not disclose “a sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component,” as recited in base claim 30.

Furthermore, Hunter does not remedy this deficiency of Ellis, nor did the Examiner assert so. Instead, the Examiner cited Hunter merely to disclose “a registration operation to register the presentation device.” See Office Action, pp. 4-5. Ellis or Hunter, alone or in any hypothetical combination, do not disclose “a sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component,” as recited in base claim 30.

Therefore, for at least this reason, dependent claim 33 is patentable over the cited combination of Ellis and Hunter. In view of the foregoing, the Applicant respectfully requests the Examiner withdraw the rejections of claim 33 under § 102(e) and § 103(a), and allow claim 33 to issue.

Claim Rejection under 35 U.S.C. § 103(a)

With regard to the rejection of claims 1, 3, 5, 7, 11-13, 17, 27, and 28 under 35 U.S.C. § 103(a), the Examiner specifically stated that:

As to claim 1 . . . Ellis discloses a program guide menu presenting an aggregation of the A/V program data available from each of the plurality of source components (FIG. 2a, 16; FIG. 3, 31, 32; Para 33-34; Para 52; Para 102; A/V program data from various sources such as tune to broadcast television, tune to a music channel or internet browsing or play back recoded programs from local storage device such as DVD).

Office Action, pp. 5-7. The Examiner made similar assertions with regard to independent claims 13 and 27. *See id.* at pp. 8-11. The Applicant respectfully traverses this rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Although a showing of obviousness under 35 U.S.C. § 103 does not require an express teaching, suggestion or motivation to combine prior art references, such a showing has been described by the Supreme Court as providing a “helpful insight” into the obviousness inquiry. *KSR Int’l. Co. v. Teleflex, Inc.*, 550 U.S. 398, 401, 82 U.S.P.Q.2d 1385, 1389 (2007). Moreover, obviousness cannot be established by a mere showing that each claimed element is present in the prior art. *Id.* The Examiner must cite a

compelling reason why a person having ordinary skill in the art would combine known elements in order to support a proper rejection under 35 U.S.C. § 103. *Id.*

Williams, Jr., Accarie, and Ellis, alone or in any type of combination, fail to disclose all of the elements of claims 1, 3, 5, 7, 11-13, 17, 27, and 28.

Independent claim 1 recites, *inter alia*, “a menu presenting an aggregation of the A/V program data available from each of the plurality of source components.” (Emphasis added). Similarly, amended independent claims 13 and 27 recite, *inter alia*, “a menu presenting an aggregation of A/V program data available from each of a plurality of source components.” Further, each of claims 1, 13, and 27, recites, *inter alia*, “wherein A/V program data comprises audio files, image files, video files, or any combinations thereof.”

As stated in the specification, the “sink component 12 aggregates A/V program data 32 available from each registered source component 16.” Specification, para. [0071]. The “aggregated listing of the A/V program data 32 available from each of the locally or remotely distributed source components 16” is presented to the user, “thereby enabling the user to identify A/V data available from each of the source components 16 while the identity of the source components 16 remains transparent to the user.” *Id.* at para. [0074]. Thus, the user may select content from any number of sources without knowing the identity of the source component or needing to open each source component to find what content is present. The aggregated content may include any number of different file types, such as audio files, video files, image files, or any combinations thereof. *See id.* at para. [0019].

In contrast, none of the cited references, Williams, Jr., Accarie, or Ellis, alone, or in any hypothetical combinations, discloses displaying an aggregated menu of A/V program data available from each of the source components in an audio/video component networking system. In contrast, Williams, Jr. (*i.e.*, Williams ‘211) is merely directed to using televisions as video displays for allowing access to a local system server. *See*

Williams, Jr., col. 1, l. 59 – col. 2, l. 9. Nothing in Williams, Jr. discloses generating or displaying a menu that has aggregated A/V content from a number of devices. Accarie is related to a system that accesses a number of different devices from a single system. Moreover, Accarie teaches sending control signals to each of those devices from a single remote. *See* Accarie, paras. [0045]-[0050]. Nothing in Accarie discloses aggregating content from a number of sources into a single menu.

Further, as discussed above, Ellis is directed to accessing a television content provider through a communications link. Ellis, para. [0033]. Again, Ellis discloses a single device, called a “remote program guide access device 24,” that provides a menu of program content from a television provider. *Id.* The menu of program content is an interactive television program guide that provides program listings for television programs, such as times, channels, titles, etc., and allows selection of particular programs (and selection of additional services, such as web browser, e-mail and chat applications, other than television program listings). *See id.* at para. [0034]. Ellis does indicate that a secondary storage device 47 may be used to record and play content from the guide. *See id.* at para. [0058]. However, Ellis does not teach, or even imply, that the “menu of program content” is aggregated to show combined content from a number of source components on a single display. The Applicants respectfully note that none of the sections of Ellis that are cited by the Examiner disclose, or even imply, a menu containing “an aggregation of the A/V program data available from each of the plurality of source components,” as generally recited by the present claims. *See* Office Action, p. 6 (claiming that “Ellis discloses a program guide menu presenting an aggregation of the A/V program data available from each of the plurality of source components (FIG.2a, 16; FIG.3, 31, 32; Para 33-34; Para 52; Para 102; ...)”). Thus, the cited references, alone or in any hypothetical combinations, do not disclose all of the elements of independent claims 1, 13, and 27.

Further, the deficiencies of Williams, Jr., Accarie, and Ellis with respect to independent claims 1, 13, and 27 are not remedied by the secondary references (Hunter and Williams) cited against various dependent claims. More specifically, Hunter is directed to a system for distributing video content, such as movies, to purchasers. *See* Hunter, para. [0012]. Although content may be recorded to subsidiary devices, nothing in Hunter discloses an aggregated menu containing content from all of the devices. Williams (*i.e.*, Williams '908) is directed to a method of "channel surfing" through a number of different inputs from different sources based on user definable preferences. *See* Williams, para. [0023]. The purpose is to limit the number of channels a user must go through to identify content choices. *See id.* at para. [0008]. Although Williams discloses that the channels may come from any number of sources, Williams does not disclose an aggregated menu of the specific content choices available on each of the source devices, only that the user is able to rotate through the channels to see the content available. *See id.* at paras. [0023], [0063]-[0065]. Thus, none of the cited references, alone or in any hypothetical combinations, discloses a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, as generally recited in claims 1, 13, and 27.

For at least the reasons discussed above, the cited references, alone or in any sort of hypothetical combinations, fail to disclose all of the elements of independent claims 1, 13, and 17. Accordingly, independent claims 1, 13, and 27 are allowable over these references. Further, as discussed, the deficiencies of Williams, Jr., Accarie, and Ellis, with respect to independent claims 1, 13, and 27 are not remedied by any of the secondary references cited against various dependent claims. Thus, for at least the same reasons as discussed above, claims 3-10, 11, 12, 14, 15, 17, 18, 20, 21, and 28, which depend from claims 1, 13, and 27, respectively, are allowable. Therefore, the Applicant respectfully requests that the Examiner withdraw the instant rejection under 35 U.S.C. § 103(a) and allow the claims to issue.

Williams, Jr., Accarie, Ellis, and Hunter, alone or in any type of combination, fail to disclose all of the elements of claims 4, 6, 8, 14, 15, and 18.

The Applicant respectfully traverses the rejection of claims 4, 6, 8, 14, 15, and 18 as being unpatentable over Williams, Jr., Accarie, and Ellis, and in view of Hunter. Claims 4, 6, 8, 14, 15, and 18 ultimately depend from claims 1 and 13, respectively, which are allowable over Williams, Jr., Accarie, and Ellis for at least the reasons discussed above.

Furthermore, as also discussed, Hunter does not remedy the deficiencies of Williams, Jr., Accarie, and Ellis, either alone or in any hypothetical combinations with Williams, Jr., Accarie, and Ellis. Instead, as mentioned, Hunter is merely directed to a system for distributing video content, such as movies, to purchasers. *See* Hunter, para. [0012]. Although the content may be recorded to subsidiary devices, nothing in Hunter discloses an aggregated menu containing content from all of the devices. Thus, none of the cited references, alone or in combination, disclose a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, as generally recited in independent claims 1 and 13. Therefore, claims 4, 6, 8, 14, 15, and 18 are patentable over the cited combination at least by virtue of their respective dependency on allowable base claims 1 and 13.

For at least the reasons discussed above, the cited references, alone or in any sort of hypothetical combinations, fail to disclose all of the elements of claims 4, 6, 8, 14, 15, and 18. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 103(a) and allow the claims to issue.

Williams, Jr., Accarie, Ellis, and Williams, alone or in any type of combination, fail to disclose all of the elements of claims 9, 10, 20, and 21.

The Applicant respectfully traverses the rejection of claims 9, 10, 20, and 21 as being unpatentable over Williams, Jr., Accarie, and Ellis in view of Williams. Claims 9, 10, 20, and 21 ultimately depend from claim 1 and 13, respectively, which are allowable over Williams, Jr., Accarie, and Ellis for at least the reasons discussed above.

Furthermore, Williams (*i.e.*, Williams '908) does not remedy the deficiencies of Williams, Jr. (*i.e.*, Williams '211), Accarie, and Ellis, either alone or in any hypothetical combinations with Williams, Jr., Accarie, and Ellis. Indeed, Williams does not disclose a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, as generally recited in independent claims 1 and 13. Instead, the Examiner cited Williams to disclose "each source has a different data format." *See* Office Action, p. 14. Therefore, claims 9, 10, 20, and 21 are patentable by virtue of their dependency on allowable base claims 1 and 13.

In addition, these dependent claims are also patentable because of the subject matter they separately recite. Claims 9, 10, 20, and 21 generally recite filtering the A/V program data from the source, based on the content or on the type of the second presentation device coupled to the sink component. As stated in the specification "aggregator 62 filters the available A/V program data 32 and presents or displays to the user via user interface 42 *only the types of A/V program data 32 capable of being displayed or presented via the particular presentation device 14.*" Specification, para. [0031] (emphasis added). This element is not taught or disclosed in Ellis as discussed with respect to the rejections under 35 U.S.C. § 102(e), above. Moreover, the Examiner has admitted that this is not taught in Williams '211, Accarie, or Ellis, but has argued that it is taught in Williams, *i.e.*, Williams '908. *See* Office Action, p. 14.

However, as discussed, the Applicant respectfully asserts that none of the cited references, including Williams '908, displays an aggregated menu of content choices from a number of different component sources. Thus, none of the cited references can disclose filtering this content to display only those choices that are relevant to the presentation device. Although Williams ('908) does disclose a presentation device and Ellis does disclose a menu of A/V program content, nothing in these references indicates that the menu shows aggregated content from all of a number of source devices or that the

aggregated content is filtered according to the presentation device, as discussed with respect to the rejection under 35 U.S.C. § 102(e), above. Further, nothing in the text of Williams ('908) discloses limiting a menu of available content based on a type of an attached presentation device. Thus, neither Williams '908, nor any sort of hypothetical combination of Williams ('908) with Williams, Jr. ('211), Accarie, or Ellis, discloses all of the elements of claims 9, 10, 20, and 21. Therefore, claims 9, 10, 20, and 21 are patentable for at least this additional reason.

For at least the reasons discussed above, the cited references, alone or in any sort of hypothetical combinations, fail to disclose all of the elements of claims 9, 10, 20, and 21. Therefore, the Applicant respectfully requests that the Examiner withdraw the instant rejection under 35 U.S.C. § 103(a) and allow the claims to issue.

The Applicant Respectfully Requests Withdrawal of the Rejections under 35 U.S.C. 103(a).

The cited references relied upon by the Examiner, either alone or in any sort of hypothetical combination; fail to disclose all of the elements of 1, 3-15, 17, 18, 20, 21, 27, and 28. Accordingly, those claims cannot be rendered obvious by the cited references. The Applicant therefore respectfully requests withdrawal of the rejections under 35 U.S.C. § 103(a). An indication of the allowability of those claims is earnestly solicited.

Conclusion

The Applicant respectfully asserts that all pending claims are in condition for allowance. However, if the Examiner wishes to discuss any issue regarding the present

application by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: November 16, 2010

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